

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE EQUIFAX, INC. CUSTOMER
DATA SECURITY BREACH
LITIGATION

MDL DOCKET NO. 2800
1:17-md-2800-TWT

DECLARATION OF JENNIFER M. KEOUGH

I, Jennifer M. Keough, declare as follows:

1. I am the Chief Executive Officer (“CEO”) of JND Legal Administration LLC (“JND”). The Court appointed JND as the Settlement Administrator in its Order Directing Notice, dated July 22, 2019, Dkt. No. 742, (“Order”), to perform certain duties set forth in the Settlement Agreement and Release, Dkt. No. 739-2, in this consumer class action settlement (“Settlement”). This Declaration is based on my personal knowledge, as well as upon information provided to me by JND employees and counsel for Defendant Equifax Inc. (“Equifax”).

2. One of JND’s tasks as Settlement Administrator was receiving and evaluating requests for exclusion (or “opt outs”) from the Settlement.

3. Pursuant to the terms of the Settlement Agreement and Release, the Order provided that:

Any settlement class member who wishes to be excluded from the settlement class must mail a written notification of the intent to exclude themselves to the settlement administrator at the address provided in the notice, postmarked no later than November 19, 2019 (the “opt-out deadline”). Each written request for exclusion must identify th[e MDL proceeding], set forth the name of the individual seeking exclusion, be signed by the individual seeking exclusion, and can only request exclusion for that one individual.

Dkt. No. 742 at p. 7-8.

4. On December 5, 2019, Class Counsel filed a list prepared by JND that included Settlement Class Members who submitted valid and timely requests for exclusion in accordance with the Order. *See* Dkt. No. 899. Settlement Class Members who submitted requests for exclusion that (i) were untimely and/or (ii) failed to comply with the requirements in the Order were not listed on the chart of valid and timely exclusions.

5. The list of valid and timely exclusions was also included as an exhibit to the Supplemental Declaration of Jennifer Keough, which was uploaded to the “Important Documents” section of the Settlement website maintained by JND, www.equifaxbreachsettlement.com.

6. JND received two letters from Jeffrey Hosford (“Mr. Hosford”) of Hosford Law Firm, PLLC, dated November 18, 2019. Copies of Mr. Hosford’s letters are attached hereto as Exhibit A.

7. Mr. Hosford's letters listed the names of thousands of individuals, along with (in some cases) their mailing address and/or email address, and purported to seek exclusion from the Settlement on behalf of all of the listed individuals. *See id.*

8. JND reviewed Mr. Hosford's letters and determined that the exclusion submission failed to comply with the Order because (i) the request was signed only by Mr. Hosford and was not signed by any of the individuals listed in the letters that Mr. Hosford purported to represent and who wished to exclude themselves; and (ii) the request attempted to seek exclusion for thousands of individuals on a collective rather than individual basis.

9. Accordingly, for the reasons indicated above, the individuals listed in Mr. Hosford's letter did not submit valid exclusions from the Settlement, and were not included on the list of timely and valid exclusions submitted to the Court on December 5, 2019.

10. Equifax's counsel recently provided JND with the names and contact information of 84 individuals who filed lawsuits stemming from the 2017 Equifax data breach in Mississippi state court ("Mississippi Plaintiffs"). Equifax's counsel advised JND that all of the Mississippi Plaintiffs are represented by Mr. Hosford.

11. JND reviewed the list of names and contact information for the Mississippi Plaintiffs and confirmed that JND did not receive any separate requests

for exclusion for these individuals, other than the invalid bulk letter exclusion submitted by Mr. Hosford as described above.

12. JND also compared the names and contact information of the Mississippi Plaintiffs to the Settlement claim data, and determined that 16 of the Mississippi Plaintiffs submitted Settlement claims to JND for Settlement benefits.

13. A chart identifying the Mississippi Plaintiffs who submitted Settlement claims is attached hereto as Exhibit B. JND has not yet determined the validity of these claims.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 31, 2020, in Seattle, Washington.



JENNIFER M. KEOUGH